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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,239	03/08/2001	Jonathan Andrew Thompson	ASPN 1000-1	6664

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HAYNES BEFFEL & WOLFELD LLP
P O BOX 366
HALF MOON BAY, CA 94019

EXAMINER	
LY, NGHI H	

ART UNIT	PAPER NUMBER
2686	8

DATE MAILED: 03/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/802,239	THOMPSON ET AL.	
	Examiner	Art Unit	
	Nghi H. Ly	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-15 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5,7.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1, 4-7, 10-12, 14 and 15 are rejected under 35 U.S.C. 102(a) as being anticipated by Manning et al (US 6,088,578).

Regarding claim 1, 11 and 12, Manning teaches a wireless telecommunications system for connecting to a data link and for routing data packets between the data link and a subscriber terminal of the wireless telecommunications system (see fig.1, wireless communication between MS 28, MS 30 and MS 32 with BTS 22, or see fig.5, wireless connection between BS and MS 60), the subscriber terminal being connectable

to a central terminal of the wireless telecommunications system via a radio resource (also see fig.5, wireless connection between BS and MS 60), the wireless telecommunications system providing a group of communication channels arranged to utilize the radio resource for transmission of data packets (see column 1, line 64 to column 2, lines 4), the group being shared by a plurality of subscriber terminals and consisting of downlink communication channels for transmission of data packets from the central terminal to the subscriber terminals and uplink communication channels for transmission of data packets from the subscriber terminals to the central terminal (also see column 1, line 64 to column 2, lines 4), the wireless telecommunications system further comprising: a subscriber controller within the subscriber terminal arranged, when a data packet is to be transmitted to the data link (see column 3, lines 3-9 and column 4, lines 14-24), to acquire an uplink communication channel from the group to enable that data packet to be transmitted via the central terminal to the data link (see column 3, lines 3-9 and column 4, lines 14-24), a resource monitor for receiving information concerning the traffic loading of predetermined elements of the wireless telecommunications system (see column 4, lines 14-58), and for applying predetermined criteria based on that information to determine how long the uplink communication channel may be acquired for by the subscriber terminal before causing the subscriber controller to release the uplink communication channel for use by other subscriber terminals (see column 3 lines 15-29).

Regarding claims 4-7, Manning further teaches the resource monitor is arranged to determine from the received information a first parameter identifying the maximum

hold time of the uplink communication channel after which it must be released even if more data packets are waiting to be sent by the subscriber terminal, the first parameter being used by the resource monitor when applying the predetermined criteria (see column 3 lines 15-29).

Regarding claim 10, Manning further teaches the group of communication channels is programmable, and information identifying the communication channels forming the group is distributed to the subscriber terminal over a broadcast communication channel (see column 1,lines 19-30).

Regarding claims 14 and 15, Manning further teaches a computer program operable to configure a wireless telecommunications system to perform a method as claimed in (see Abstract).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Manning et al (US 6,088,578).

Regarding claim 9, Mannig teaches a wireless telecommunications system as claimed in claim 1, wherein the radio resource is one or more frequency channels (column 3, lines 18-29, see "additional traffic channels"). Manning does not specifically disclose the communication channels are orthogonal channels. The concept of orthogonal channels is well known in the art and the examiner takes Official Notice that it would have been obvious to one of ordinary skill in the art to provide an orthogonal channel in order to improve the system of Manning.

7. Claims 2, 3, 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manning et al (US 6,088,578) in view of Chakrabarti et al (US 6,678,281).

Regarding claims 2, 8 and 13, Manning teaches a wireless telecommunications system as claimed in claims 1 and 12. Manning does not specifically disclose a congestion determination unit for determining the information concerning the traffic loading of the predetermined elements of the wireless telecommunications system and for periodically broadcasting that information to the subscriber terminal, the resource

monitor being provided within the subscriber terminal and being arranged to use that broadcast information when applying the predetermined criteria.

Chakrabarti teaches a congestion determination unit for determining the information concerning the traffic loading of the predetermined elements of the wireless telecommunications system and for periodically broadcasting that information to the subscriber terminal, the resource monitor being provided within the subscriber terminal and being arranged to use that broadcast information when applying the predetermined criteria (see column 8, lines 18-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Chakrabarti into the system of Manning in order to provide a method for implementing GPRS over GSM wich is efficient, robust and cost effective (see Chakrabarti, column 2, lines 30-33).

Regarding claim 3, the combination of Chakrabarti and Manning further teaches the resource monitor is further arranged to receive local information relating to its subscriber terminal and uses that local information in addition to the broadcast information when applying the predetermined criteria (see Chakrabarti, column 8, lines 6-17).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Scholefield (US 5,752,193) teaches method and apparatus for communication in a wireless communication system.

b. Menzel (US 6,504,837) teaches method and system for data transmission with a microdiversity reception.

c. Nakano (US 5,446,739) teaches radio communication system.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (703) 605-5164. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi H. Ly

03/16/04

Marsha D Banks-Harold

MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600